

IDEA–Reauthorized Statute¹

SECONDARY TRANSITION

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act will be effective on July 1, 2005, with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the act. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education, that covers a variety of high-interest topics and brings together the statutory language related to those topics to support constituents in preparing to implement the new requirements. This document addresses provisions of IDEA regarding the alignment between IDEA and No Child Left Behind, referred to in this document as the Elementary and Secondary Education Act (ESEA) of 1965, which will take effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Changes in the purpose of IDEA: added “further education.”

The purpose of IDEA is to ensure that all children with disabilities have available to them a free and appropriate public education (FAPE) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. [602(d)(1)(A)]

2. Change in language.

In Section 602(34) the language in IDEA is changed from ‘student’ to ‘child.’

3. Changes to definition of “transition services.”

The term “transition services” means a coordinated set of activities for a child with a disability that:

- Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child’s movement from school to post-school activities, including postsecondary education; vocational education; integrated employment (including supported employment); continuing and adult education; adult services; independent living or community participation; and [602(34)(A)]
- Is based on the individual child’s needs, taking into account the child’s strengths, preferences and interests. [602(34)(B)]

4. Changes in performance goals and indicators.

Address graduation rates and dropout rates, as well as such factors as the state may determine. [612(a)(15)(A)(iii)]

5. Procedures for reevaluations.

A local educational agency (LEA) must ensure that a reevaluation for each child with a disability is conducted in accordance with Sections 614(b) and 614(c) if:

- The LEA determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
- The child’s parents or teacher requests a reevaluation.

However, a reevaluation shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise; and at least once every three years, unless the parent and the LEA agree that a reevaluation is unnecessary. [614(a)(2)]

6. Exception to requirements for evaluation before a change in eligibility.

An evaluation is not required before the termination of a child's eligibility if the termination of eligibility is:

- Due to graduation from secondary school with a regular high school diploma; or
- Because the child exceeds the age of eligibility for a free and appropriate public education under state law.

For a child whose eligibility under IDEA terminates under circumstances described above, an LEA must provide the child with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the child in meeting postsecondary goals. [614(c)(5)(B)]

7. Changes to definition of an individualized education program (IEP).

- IEPs are required to include:
 - A statement of measurable annual goals, including academic and functional goals, that meet the child's needs that result from the child's disability to enable the child to be involved in, and make progress in, the general education curriculum; and that meet each of the child's other educational needs that result from the child's disability; [614(d)(1)(A)(i)(II)]
- IEPs are required to include:
 - A description of how the child's progress toward meeting the annual goals will be measured; and
 - A description of when periodic reports on the progress the child is making toward meeting the annual goals will be provided to the parents. Reporting may include quarterly reports, or other periodic reports, concurrent with the issuance of report cards. [614(d)(1)(A)(i)(III)]
- Beginning not later than the first IEP to be in effect when the child turns 16 and then updated annually thereafter, the IEP must include:
 - Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment and independent living skills, where appropriate;
 - Transition services needed to assist the child in reaching those goals, including courses of study; and
 - Beginning not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under Section 615(m). [614(d)(1)(A)(VIII)]

8. Rule of construction.

Nothing in Section 614 shall be construed to require (1) that additional information be included in a child's IEP beyond what is explicitly required in Section 614 or (2) require the IEP team to include information under one component of a child's IEP that is already contained under another component of such IEP. [614(d)(1)(A)(ii)]

9. Added specific requirements to development of an IEP.

In developing each child's IEP, the IEP team, subject to Subparagraph (C), shall consider the academic, developmental and functional needs of the child. [614(d)(3)(A) (iv)]